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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/621,045

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Masayuki Takayama

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EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 07/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/621,045	<b>Applicant(s)</b> TAKAYAMA ET AL.	
	<b>Examiner</b> Sharad Rampuria	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

II. The current office-action is in response to the amendments/remarks filed on 04/18/2006.

Accordingly, Claim 4 is cancelled and Claims 1-3, 5 are pending for further examination as follows:

#### ***Double Patenting***

III. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

IV. Claims 1-3, 5 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending U.S. Application No. 11/249976. Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the claimed limitations of the present U.S. Application No.

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09/621045, for example, Claim 1 is explained in following table, is transparently found in Claim 1 of copending U.S. Application No. 11/249976 with obvious wording variations.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

<i>Instant Claim of U.S. Application No. 09/621045</i>	<i>Related Claim of U. S. Patent No. 11/249976</i>
1. A mobile telephone set comprising:	1. A mobile telephone, comprising:
Display means for displaying information including telephone numbers or characters comprising;	A display which displays information including telephone numbers or characters;
A first address data bus connected to principal integrated circuits such as control means and storage means that are provided as principal integrated circuits; and	A first address data bus connected to a controller and a memory; and
A second address data bus for connecting said control means and said display means independently of said first address data;	A second address data bus connected to said controller and said display, and providing independently of said first address data bus,
wherein said control means controls said first address data bus and said second address data bus independently.	said controller controls said first address data bus and said second address data bus independently.

***Claim Rejections - 35 USC § 103***

V. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

VI. Claims 1, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahagirdar et al. (US 6125286) in view of Yoshida et al. (JP 405014540A).

Regarding claim 1, Jahagirdar disclosed a mobile telephone set comprising:

Display (130; Fig.1) means for displaying information including telephone numbers or characters (Col.2; 56-63) comprising;

A first address data bus connected to principal integrated circuits such as control means and storage means that are provided as principal integrated circuits; (524, 528; Fig.5, Col.4; 27-39) and

Jahagirdar fails to disclose a second address data bus for connecting said control means and said display means independently of said first address data; wherein said control means controls said first address data bus and said second address data bus independently. However, Yoshida teaches in an analogous art, that a second address data bus (44; Fig.4) for connecting said control means and said display (36; Fig.4) means independently of said first address data; (42; Fig.4) wherein said control means controls said first address data bus and said second address data bus independently. (Abstract) Therefore, it would have been obvious to one of

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ordinary skill in the art at the time of invention to modify Jahagirdar including a second address data bus for connecting said control means and said display means independently of said first address data; wherein said control means controls said first address data bus and said second address data bus independently in order to attain miniaturization and light weight by providing a bus for sending a control signal and stopping the transmission through the transmission bus when the portable terminal equipment receives a data.

Regarding Claim 5, Jahagirdar disclosed a mobile telephone as claimed in claim 1, wherein said display (Fig.2; 130) means is arranged near an antenna (Fig.2; 110) of the mobile telephone.

VII. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jahagirdar & Yoshida as applied to claims above and further in view of Szczutkowski et al.

Regarding Claim 2, the above combination disclosed all the particulars of the claim except controlled to prohibit access to said second address data bus while said communication means is receiving signals. However, Szczutkowski teaches in an analogous art, that a mobile telephone as claimed in claim 1, further comprising communication means for transmitting signals via a radio line wherein said control means is controlled to prohibit access to said second address data bus while said communication means is receiving signals. (Col.8; 7-44) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify

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Jahagirdar & Yoshida including controlled to prohibit access to said second address data bus while said communication means is receiving signals in order to transmit separately.

VIII. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jahagirdar & Yoshida as applied to claims above and further in view of Kubes et al.

Regarding Claim 3, the above combination disclosed all the particulars of the claim except a lower voltage. However, Kubes teaches in an analogous art, that A mobile telephone as claimed in claim 1, wherein said second address data bus is driven by lower voltage than said first address data bus. (Col.5; 24-35) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Jahagirdar & Yoshida including a lower voltage in order to reduce the voltage used in LCD.

***Response to Amendments & Arguments***

IX. ***Applicant's arguments filed on 4/18/2006 have been fully considered but they are not persuasive.***

As per claim 1, in response to Applicant's argument that Jahagirdar doesn't teach, "A first address data bus connected to principal integrated circuits such as control means and storage means that are provided as principal integrated circuits;" it is noted that Jahagirdar supports the assertion as followings; basically Jahagirdar asserts so many lines or buses, one of them is a data bus for example **a data bus 528**, consequently, Jahagirdar emphasize an address data bus, please

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see; FIG. 5, display components 506 include a driver 514, a display element 516, a driver 518, a display element 520, and a backlight 522. Controller 504 generates display data to be displayed at display areas 130 and 132. Controller 504 controls power to driver 514 and display element 516 through a line 524. Similarly, controller 504 controls power to driver 518 and display element 520 through a line 530. Controller 504 selects one of drivers 514 and 518 to receive display data through a line 526 (for driver 514) and a line 532 (for driver 518), and sends the display data via a data bus 528 coupled to both of drivers 514 and 518. (Please perceive 524, 528; Fig.5, Col.4; 27-39) Hence, it is believed that *Jahagirdar still teaches the claimed limitations*.

Correspondingly, Applicant's argues that Yoshida doesn't teach, "a second address data bus;" it is noted that Yoshida supports the assertion as followings; basically Yoshida asserts so many lines or buses, one of them is a data bus for example buses 39-41, 36, 42, 44, consequently, Yoshida emphasize an address data bus. (Please perceive buses 39-41,36, 42, 44; Abstract) Hence, it is believed that Yoshida *still teaches the claimed limitations*.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5



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USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Szczutkowski teaches a technique for a basic transceiver configuration may provide communications over a limited number of communications channels for basic radio transmitting and receiving functions required by all users. Some users may, however, have additional requirements requiring additional features--such as additional communications channels, receiver channel scanning, display capability and so on, which includes a mobile transceiver (Please perceive, col.4; 60-61, col.5; lines 20-31) by assigning A digitally controller radio transceiver includes a housing including a front cover provided with a display port; a main controller board mounted within the housing; an optional display board attached to an interior surface of the front cover adjacent said display port, said display board electrically connected to said main controller board by a pressure fit connection; a removable display escutcheon plate mounted on an exterior surface of the cover, overlying the display port; and fastening means extending through the cover and connecting the display board to the display escutcheon plate. Removal or omission of the display board is automatically sensed by the radio transceiver's internal microprocessor, which operates accordingly. In one embodiment the transceiver program store may be loaded via an external connector to customize the microprocessor instruction code for the presence or absence of a display, which is in the same field of endeavor as Jahagirdar/ Yoshida. Therefore, one skill in the art would recognize the combination of the above three references is proper.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In this case, Kubes teaches a housing arrangement of a communication device, such as mobile telephones, pagers and personal digital assistance (PDAs) etc. (Please perceive, col.1; 16-20, col.9; lines 4-15) which is in the same field of endeavor as Jahagirdar/ Yoshida. Therefore, one skill in the art would recognize the combination of the above three references is proper.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

### ***Conclusion***

X. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or [EBC@uspto.gov](mailto:EBC@uspto.gov).

Sharad Rampuria  
Examiner  
Art Unit 2617



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